CASE NUMBER: #BOA 20-01

REQUEST: Variances from the PRC (Planned Residential Conservation) District Design Standards

APPLICABLE SECTIONS: Sec. 9.5(A)(5)(a)(6), Porches, and Sec. 9.5(A)(5)(b)(4), Front Yard Light Fixture

LOCATION: Cooper Springs Townhomes
1001 Ramon Drive, Snellville, Georgia

TAX PARCEL(S): See Exhibit “A”

CURRENT ZONING: PRC (Planned Residential Conservation) District

OVERLAY DISTRICT: Corridor Overlay District

DEVELOPMENT/PROJECT: 161-Lot, 20.15± Acre Cooper Springs Townhome Development

PROPERTY OWNER: GG Cooper Springs Ltd. Partnership
Toronto, Ontario, Canada M1W 3Z4

APPLICANT/CONTACT: Ashton Atlanta Residential, LLC
Shane Lanham, Esq.
c/o Mahaffey Pickens Tucker, LLP
770-232-0000 or slanham@mptlawfirm.com

RECOMMENDATION: Approval
TO: Snellville Board of Appeals
DATE: March 10, 2020
FROM: Jason Thompson, Director
       Department of Planning and Development

CASE NUMBER: #BOA 20-01

FINDINGS OF FACT:

The Department of Planning and Development has received a variance application from Shane Lanham, Esq., Mahaffey, Pickens, Tucker, LLP representing Ashton Atlanta Residential, LLC requesting modification from the architectural design standards of the PRC (Planned Residential Conservation) District for the front porch requirement and decorative yard light fixture requirement for the 161-lot Cooper Springs Townhome development, located to the south of the Cooper Village Shopping Center, 1001 Ramon Drive, Snellville, Georgia.

The 20.15± acre property was rezoned on 6-28-2004 to the PRC District which was adopted as a new zoning district in April 2000 but later made inactive in May 2005. The PRC District is intended to provide quality medium-density single-family residential uses with the conservation of open space areas that is accessible to all residents of the subdivision.

On 9-12-2005 the project received site development approval and on 10-20-2006 the Final Plat was approved for the 161-lot Cooper Springs townhome development. In early 2007, building permits were approved and Certificates of Occupancy issued for seven (7) townhome units (1505-1517 Ben Park Way) and another six (6) townhome units (1504-1514 Ben Park Way). All
units are fee-simple and many are currently occupied. These thirteen (13) units are the only townhome units that have been constructed as the Great Recession contributed to the developer/builder losing the property to the bank in 2008. During the past twelve years the property was sold on three occasions with the last purchase of the property occurring in November 2019 to the current property owner. In December 2018, the property was re-platted.

During review of the ‘Plan Book’ containing typical drawings and details of the proposed structures including: building elevations; design criteria for entries, porches, doors, windows, dormers, columns, cornices, rakes, garages, roofs, landscaping, fencing, and retaining walls; exterior colors and materials, and other pertinent information, and after meeting with the applicant, it was determined that two variances would be needed to provide for modification of the covered front porch requirement and decorative yard light fixture requirement.

REQUEST:

The applicant is requesting two (2) variances from the PRC (Planned Residential Conservation) District design requirements as follows:

1. **Variance from Sec. 9.5(A)(5)(a)(6), Porches:** Shall be six-feet (6’) in depth, and have a minimum of seventy-two (72) square feet in area. No two adjoining dwellings shall have the same porch design.

2. **Variance from Sec. 9.5(A)(5)(b)(4), Front Yard Light Fixture:** One (1) decorative yard light fixture shall be placed one foot outside of the right-of-way. Fixture type shall be approved by the Planning and Development Director.

VARIANCE ANALYSIS:

1. **Variance from Sec. 9.5(A)(5)(a)(6), Porches:** Shall be six-feet (6’) in depth, and have a minimum of seventy-two (72) square feet in area. No two adjoining dwellings shall have the same porch design.

The applicant contends that this requirement is essentially impossible to comply with for a single-family detached product as the townhome units are twenty-four (24) feet wide and include garages and driveways. Requiring a seventy-two (72) square foot covered porch would require the porch to be built all the way out to the curb on top of the sidewalk. While this may make sense in some single-family detached application, it makes no sense in the context of a 24-foot wide townhome community.

Instead, the applicant intends to build covered porches that will be roughly 5’-8” wide by 6’ deep, or roughly thirty-four (34) square feet in size.
The deeper and larger porch requirement is much easier to accomplish in a single-family detached subdivision where the lots are deeper rather than a townhome community. Although no formal variance approval records can be found that granted relief to the original developer/builder for the thirteen (13) existing townhome units constructed in early 2007 that do not have the required front porch parameters, it can be assumed the requirement was never mandated by the city.

This request is recommended for approval.

2. Variance from Sec. 9.5(A)(5)(b)(4), Front Yard Light Fixture: One (1) decorative yard light fixture shall be placed one foot outside of the right-of-way. Fixture type shall be approved by the Planning and Development Director.

The applicant contends that strict interpretation of the district requirement would require a yard light in the front yard of every townhome lot which makes no sense in the context of a 24-foot wide townhome community. Yard lights would dominate the streetscape rather than accentuating it and would cause a financial burden to the homeowner’s association who would be required to maintain them.

Instead, the applicant intends to place a decorative exterior coach-style light fixture, similar in style to what is there now above each garage door of each new townhome which would be solely operated and maintained by the residents of the individual townhome. Each light fixture will be spaced twenty-four (24) feet apart within each building location.

The original developer was required to install street/sidewalk lighting that remains today. These light poles and fixtures are spaced approximately 60-120 feet on-center. The city’s residential lighting standards require that walkways and streets contain the following illumination levels in footcandles:

<table>
<thead>
<tr>
<th>Location / Type of Lighting</th>
<th>Minimum Level (fc)</th>
<th>Maximum Level (fc)</th>
<th>Average Level (fc)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walkways and Streets</td>
<td>0.2</td>
<td>10.0</td>
<td>2.00</td>
</tr>
</tbody>
</table>

The decorative yard light fixture requirement is much more appropriate in a single-family detached subdivision rather than a townhome community. Although no formal variance approval records can be found that granted relief to the original developer/builder for the thirteen (13) existing townhome units constructed in early 2007 that do not have the required front yard fixtures, it can be assumed the requirement was never mandated by the city.
This request is recommended for approval.

STANDARDS FOR CONSIDERATION:

Pursuant to Section 14.5, Powers and Duties, of the City of Snellville Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district;

   Applicant Response: Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district. The Property was rezoned in 2004 with development beginning shortly thereafter. Strict adherence to all provisions of the current Ordinance is impossible due to the existence of physical improvements and structures on the Property. Strict compliance with the Ordinances would require the replatting of the entire community and the demolition of existing structures and improvements to make room for landscaping improvements which would be an extreme hardship on the Property owner.

2. That literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance;

   Applicant Response: Literal interpretation of the provisions of the Ordinances would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance. The Cooper Springs already includes 13 townhomes which were constructed without 72-square foot porches and without street lamps in each yard. These requirements were designed for single-family detached homes although a strict interpretation of the Ordinance could require them for single-family attached homes.

3. That the special conditions and circumstances do not result from the actions of the applicant; and

   Applicant Response: The special conditions and circumstances do not result from the actions of the applicant. The Property was rezoned by the City in 2004 and was previously developed according to codes, regulations, and ordinances then in effect.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district.

   Applicant Response: Granting the relief requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or
buildings in the same district. The Applicant is proposing to complete the development of the Property and provide an attractive residential community revitalizing an important segment of Highway 78.

Section 14.5(2)(f) of the Snellville Zoning Ordinance allows the Board of Appeals to make a finding that granting of the variance “will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not injurious to the neighborhood, or otherwise detrimental to the public welfare.”

CONCLUSION AND STAFF RECOMMENDATION:

Given the conditions that exist for the thirteen pre-existing townhomes units, difficulty in trying to implement the PRC District design standards that are better suited to a single-family detached community and in an effort to maintain consistency throughout the townhome community, the Department of Planning and Development recommends:

- **Approval** of the variance to allow the front porch depth to be less than six (6) feet deep and allow the front porch size to be less than seventy-two (72) sq. ft. in area;

- **Approval** of the variance to allow use of a coach-style light fixture above each garage in lieu of requiring the use a front yard light fixture placed one-foot outside of the right-of-way.
EXHIBIT “A”

Parcel List

|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|